

REMARKS

This Amendment is being filed in response to the Final Office Action mailed December 15, 2006, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, independent claims 1, 7 and 13 have been amended for better clarity of features already clearly recited therein. Accordingly, no new issues requiring a new search have been introduced and entry of the present Amendment is respectfully requested.

In the Final Office Action, claims 1-4, 6-10, 12-16, 18 and 22-23 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0087503 (Judd) in view of U.S. Patent No. 6,192,112 (Rapaport), U.S. Patent Application Publication No. 2001/0041991 (Segal) and Official Notice. Further, claims 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Judd, Rapaport and Segal in view of U.S. Patent No. 5,832,450 (Myers). It is

respectfully submitted that claims 1-4, 6-10, 12-16, and 18-23 are patentable over Judd Rapaport, Segal, Myers and Official Notice for at least the following reasons.

Judd is directed to a medical imaging system to allow any conventional Internet browser to function as a medical workstation. As recited on page 2, paragraph [0024] of Judd, a primary physician is notified "via e-mail or pager as soon as imaging has been completed." (Emphasis added) Page 4, paragraph [0067] of Judd further recites:

The post engine 28 sends an e-mail notification, via an e-mail server 30 (FIG. 2) to the person submitting the request when the computations are complete. (Emphasis added)

Thus, notification occurs in Judd when imaging or computations are complete.

Rapaport is directed to a system for providing medical information to a patient, where a memory location stores voice mailboxes. As specifically recited on column 28, lines 29-32:

If any data in the mailbox was uploaded by an upload-source, then this change in status of the mailbox is communicated in a report (such as a faxed report) to the appropriate upload-source. As a further consequence, the alert flags for the mailbox are set to Unused and this mailbox is deleted from the account's list of alerted

mailboxes. (Emphasis added)

Thus, Rapaport provides communication and sets a flag if data is uploaded.

Segal is directed to a method and system for providing a medical record management service that supports the creating, storing, accessing, updating, and distributing of patient medical records.

Myers is directed to an electronic medical record system that stores data about patient encounters arising from a content generator in free-form text.

On page 5 of the Final Office Action, an Official Notice refers to Microsoft Windows 2000<sup>®</sup> using:

an assortment of "flagging" techniques  
(e.g., bold, fonts, underlining fonts, alternate  
font color, flag icons, etc.) to identify which  
documents have been, *inter alia*, read or unread.

It is respectfully submitted that Judd Rapaport, Segal, Myers, the Official Notice, and combinations thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 7 and 13 which, amongst other patentable elements, requires (illustrative emphasis provided):

for setting a reconsider flag to indicate that new information is available for informing a user of arrival of the new information associated to a study to which the new information corresponds, and for not setting the reconsider flag if the study is unread even when the new information is available.

Setting a flag to indicate that new information is available yet not setting the reconsider flag if the study is unread even when the new information is available are nowhere taught or suggested in Judd Rapaport, Segal, Myers, the Official Notice, and combinations thereof.

For example, on page 5 of the Final Office Action, it is noted that the flagging techniques in the Microsoft Windows 2000®, identify which documents have been, inter alia, read or unread. It is respectfully submitted that this in no way teaches or suggest "not setting the reconsider flag if the study is unread even when the new information is available," as recited in independent claims 1, 7 and 13.


Independent claims 1, 7 and 13 further recite that the reconsider flag is set to indicate that new information is available. That is, the recited reconsider flag is different from the flag of Microsoft Windows 2000® which is a read-unread flag.

Accordingly, it is respectfully submitted that independent claims 1, 7 and 13 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-4, 6, 8-10, 12, 14-16 and 18-23 should also be allowed based at least on their dependence from independent claims 1, 7 and 13.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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